

IN THE CIRCUIT COURT OF STONE COUNTY

STATE OF MISSISSIPPI

FILED

MAY 17 2017

STONE COUNTY, MISS.
JEFFEREY L. O'NEAL, CIR. CLK.

BY W.A. D.C.

**TROUT POINT LODGE, LIMITED,
A Nova Scotia Limited Company;
VAUGHN PERRET and
CHARLES LEARY,**

PLAINTIFFS

v.

**MISCELLANEOUS CIVIL ACTION
NUMBER: NO. 12161
(Based on Judgment in Civil Action
Number 15-0458, Circuit Court of
Hancock County, Mississippi)**

DOUG K. HANDSHOE

DEFENDANT

MOTION TO QUASH WRIT OF EXECUTION

COMES NOW, Douglas K. Handshoe, by and through his undersigned counsel of record, and files this his Motion to Quash Writ of Execution heretofore issued in this action by the Circuit Clerk of Stone County, on May 11, 2017, and in support thereof would show unto this Court the following, to-wit:

I.

Defendant and Movant, Douglas K. Handshoe would show that the foreigner judgment obtained by the Plaintiff's against your Defendant/Movant on February 26, 2014 in the Supreme Court of Nova Scotia, Canada, was enrolled by authority of an Order rendered in the Circuit Court of Hancock County, Mississippi on January 3, 2017 by the Honorable Christopher L. Schmidt, Circuit Court Judge; and thereafter the Plaintiffs have attempted but not completed the process of scheduling a judgment debtor examination of your Defendant/Movant upon two different occasions.

II.

Defendant/Movant would show that now Plaintiffs have requested a Writ of Execution issued by the Circuit Clerk of Stone County, Mississippi which is unduly overbroad, ambiguous and lacks specificity as to the specific assets sought to be levied upon by Plaintiffs.

III.

Defendant/Movant would show that there are other, third party owners of the property sought to be levied upon in the Plaintiff/Movants' Writ of Execution.

IV.

Defendant/Movant would further show that there is no authority under Mississippi's Limited Liability Company statutory framework for execution upon Defendant's interest in a limited liability company.

V.

Defendant/Movant would show that all personal property owned by the Defendant/Movant, including the two choses in action described in their writ of execution, have a total aggregate value of under \$10,000 and therefore the Defendant/Movant claims that such property is exempt under Mississippi law.

VI.

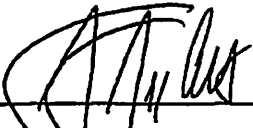
Defendant/Movant would further show that the Plaintiff has not followed the specific requirements and procedures set forth in either Section 13-3-129 of the Miss. Code of 1972, as amended or Section 13-3-157 of the Miss. Code of 1972, as amended, and further other statutory authority for the service and levying upon Writs of Execution under the laws of the State of Mississippi.

WHEREFORE, the Defendant/Movant, Douglas K. Handshoe requests that this Court upon hearing of his Motion to Quash Writ of Execution, for the aforestated reasons, will quash such Writ of Execution in its present form and assess all costs of these proceedings unto the Plaintiffs, Trout Point Lodge, Ltd., Vaughn Perret and Charles Leary.

RESPECTFULLY SUBMITTED, on this the 17th day of May, A.D., 2017.

DOUGLAS K. HANDSHOE, Defendant/Movant

BY: _____


G. GERALD CRUTHIRD
For Defendant/Movant, Doug K. Handshoe
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CERTIFICATE OF SERVICE

I, G. Gerald Cruthird, of counsel for the Defendant/Movant, Doug K. Handshoe, do hereby certify that I have forwarded via: facsimile transmission and U.S. Mail a true and correct copy of the foregoing Motion to Quash Writ of Execution unto Gary D. Thrash and Adam F. Thrash, Singletary & Thrash, P.A., Attorneys at Law and Attorneys of Record for the Plaintiffs at their usual mailing address of P.O. Box 587, Jackson, Mississippi 39205-0587, and further Facsimile Number (601) 353-0126; and have further hand delivered a true and correct copy of such Motion to Quash Writ of Execution upon the Honorable Mike Farmer, Sheriff of Stone County at his usual address, 1420 Industrial Park Row, Wiggins, Mississippi 39577.

So certified, this 17th day of May, A.D., 2017.



G. GERALD CRUTHIRD

IN THE CIRCUIT COURT OF STONE COUNTY, MISSISSIPPI

**TROUT POINT LODGE LTD., VAUGHN PERRET,
and CHARLES LEARY**

PLAINTIFFS

VS.

**JUDGEMENT NO.: 12161
Supreme Court of Nova Scotia, Canada
Hfx No.: 411345**

DOUGLAS K. HANDSHOE

DEFENDANT

WRIT OF EXECUTION

The Sheriff of Stone County, Mississippi is hereby directed to execute on the above styled action on a judgment rendered in this cause by the Supreme Court of Nova Scotia, Canada, said judgment being duly enrolled on the judgment rolls of Stone County, Mississippi on December 9, 2015 in the amount of the principle sum of \$20,000.00 CAD in statutory damages to Charles Leary, the principle sum of \$40,000.00 CAD in statutory damages to Trout Point Lodge Ltd., the principle sum of \$20,000.00 CAD in statutory damages to Vaughn Perret, and the principle sum of \$100,000.00 CAD in punitive damages to all Plaintiffs and court costs and duly enrolled on the judgment rolls of Stone County, Mississippi, on or about December 9, 2015.

And that you execute on the judgment by seizing all personal property belonging to the Defendant not exempt by law and/or all item of personal property which exceeds \$10,000.00 in value as designated by the Defendant, including any and all goods not limited to the following:

1. Any and all interest belonging to Douglas K. Handshoe in the chosen action presently filed with the United States District Court for the Southern District of Mississippi styled *Handshoe v. Perret*, 1:2015-cv-00382;
2. Any and all interest belonging to Douglas K. Handshoe in the chosen action presently filed with the Hancock County Circuit Court styled

Handshoe v. Broussard, Case No. 13-0186;

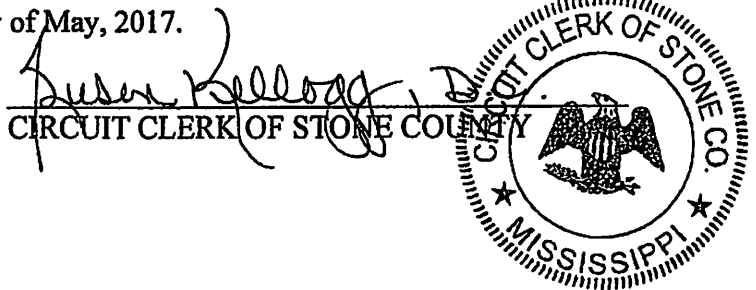
3. Any and all interest in the business known as Slabbed New Media, LLC, Business ID: 981555
4. Any and all interest in his accounting firm known as Douglas K. Handshoe, CPA PLLC, Business ID: 1059593; and
5. Any and all other personal property not exempt by law that may be found in the possession of or found to belong to Douglas K. Handshoe;

Said personal property is located at the residence of Douglas K. Handshoe, 110 Hall Street, Wiggins, Mississippi 39577, the principal place of business for Slabbed New Media, LLC, 110 Hall Street, Wiggins, Mississippi 39577, the principal place of business for said accounting firm, Douglas K. Handshoe, CPA PLLC, 110 Hall Street, Wiggins, Mississippi 39577, or elsewhere, on information and belief, said items are known to be located in the possession of Douglas K. Handshoe.

You are further directed to sell said property according to law to recover the balance owing on the judgment, including your cost and disbursements.

This Writ with your return should be returnable to the Circuit Court of Stone County on the _____ day of May, 2017.

Witness my hand, this the 11th day of May, 2017.



PREPARED BY:

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